

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12011-MLW

CARLOS A. AGUIAR,)
 Plaintiff)
)
 v.)
)
LIMA & CURA FISHING)
CORPORATION,)
 Defendant)

**AFFIDAVIT OF ATTORNEY JOSEPH A. REGAN IN SUPPORT OF
DEFENDANT'S MOTION TO CONTINUE HEARING DATE**


I, Attorney Joseph A. Regan, upon oath and under the pains and penalties of perjury do hereby state under personal knowledge and belief as follows:

1. My name is Joseph A. Regan and I am an attorney in good standing admitted to practice law in the Commonwealth of Massachusetts and Federal District Court, District of Massachusetts.
2. I am the attorney in this case for the Defendant.
3. I am the President of and primary contact for applicants to the Christopher Sean Hayes Scholarship Fund which awards annual scholarships.
4. That scholarship fund was established in honor of a Suffolk Law School graduate and former Massachusetts Attorney, Christopher S. Hayes who suddenly passed away in 1995 at age 29 after practicing law for 4 years with me. We usually give scholarships to two first year students at Suffolk University Law School in Chris' memory.

5. The annual scholarship presentation has been scheduled for 9/15/06 in Bourne, MA for quite some time. This is the same date that the Court has recently rescheduled the Hearing on the Motions and Cross-Motions in this Case.
6. My presence at the annual presentation on 9/15/06 is critical to our successful fundraising efforts each year and crucial in the presentation of the scholarships in the presence of fund contributors.
7. At the present time, I am the only counsel of record for L & C and, accordingly, I am the attorney in the best position to attend and present oral argument on the Hearings related to the various Motions and Cross-Motions pending with the Court.
8. Although it is possible that I could send an associate to the 9/15/06 Hearing, it is in the interest of the Parties and Court for me to attend in person based on my superior knowledge and familiarity with the issues at hand.
9. In my opinion, it is in the best interest of the Court to reschedule the Hearing as opposed to allowing me to send an associate in my stead who would likely not be as informed or succinct as to the complex issues to be argued at the Hearing.

10. I have contacted counsel for the Plaintiff, David F. Anderson, and not only does the Plaintiff assent to this motion, but after conference the Parties submit the following dates on which to reschedule the Hearing: 9/18, 9/19, 9/20, 9/21, 9/22, 9/25, 9/27, 9/28, 10/2 or 10/3/06.

Subscribed to on this 31st day of July, 2006 under the pains and penalties of perjury.



Joseph A. Regan